



Committee Members

Richard Kuprewicz, Chair • Bob Archey, Vice- Chair
Pete Kmet • Carl Weimer • Shirley Olson
Bill Rickard • Duane Henderson
Grant Jensen • George Hills • Dave Knoelke



Special Meeting of the Washington State Citizens Committee on Pipeline Safety Meeting Notes

Washington State Utilities & Transportation Commission, Room 206
1300 S. Evergreen Park Drive, Olympia, WA 98504
March 3, 2009

Present members:

Rick Kuprewicz, Chair
Bob Archey, Vice Chair – via conference call
Carl Weimer – via conference call
Pete Kmet
Shirley Olson – via conference call
George Hills
Bill Rickard – via conference call
Duane Henderson
Dave Knoelke

Absent members:

Grant Jensen

Other attendees:

Anne F. Soiza, UTC Pipeline Safety Program
Alan Lundeen, UTC Pipeline Safety Program
Jim Fernald, UTC Pipeline Safety Program
Corey Herrick, McChord Pipeline Co.
Don Patterson, Northwest Natural
Don Evans, UULC
Jim Fraley, BP Pipelines
Brad Tower, Olympic Pipe Line
Jeffert Owen, Citizen
Gary Scott, Citizen, Lewis County

Meeting Topic:

- ✚ Update as to the current status (as of March 3) of [HB 1996 and related Senate Bill](#) which affects changes in the “Call before you Dig” Law, [RCW 19.122](#)

Dan Kirschner – Stated some stakeholder concerns stemmed from UCAW not consulting with other stakeholders about the positive response language. UCAW chose to delete this provision from the bill and discuss it at a later date. The issue wasn’t the provision, but that there wasn’t much discussion about it before it was put into the original bill.

Pete Kmet – Asked what the industry representatives thought about the bill.

Bob Archey – Stated that the bill increased penalties but didn't have any provisions as to who would enforce them.

Richard Kuprewicz – Stated he was aware of the limitations of the current bill, but wanted to give others at the meeting a chance to comment.

Duane Henderson – Said that one reason UCAW sponsored the bill was to address smaller facility operators, like water and sewer companies, who weren't part of the one call system and who don't normally mark their laterals. Marking gas lines isn't a problem. He also said that his industry was concerned with the language about positive response because PSE does over 300,000 locates each year. PSE has a process where locating the lines is assumed and a call back is only required when the lines can't be marked. He said that UCAW is OK with this process, but is concerned about smaller operators who don't make the call or locate their service laterals. He said that the gas companies want to make sure any language covers both large and small facility owners.

Bill R – Asked Duane if there were times when other "arrangements" made when a job is delayed, or the work is only impacting one part of a larger job weren't actually accomplished. Duane said he was not aware of any.

Pete – Asked Duane if the liability language was an issue with him. Duane said it was not an issue.

Don Evans – Explained that there is no fee to join the one call system but you do have to pay for the locates that are done. It costs \$1.20 for the notification and extra if a locating company does the actual locate. An issue with marking water and sewer lines is that many of these lines were buried with no way to locate them. He also stated that there are some larger companies who do not subscribe to the one call system.

David G – Said his company does about 12,000 locates a year. He was asked if his company had any issues with the bill, and David replied they did not.

George – Said that service laterals and bar holing don't really affect their company. They do their own locates and observe any work that takes place within 15 feet of their pipelines. They average 1,000 calls per year for a 14 mile pipeline. He said there were other issues to address and wanted to know what steps could be taken to address the enforcement of the rule.

Frank (public member) – From the call center in Portland. He stated that the bill language was nearly identical to language in Hawaii's dig law. He said the real problem was not positive response, but enforcement of the existing law. He said that you if you can't enforce the law there will be a few people who won't comply with it.

Bill Richard – Asked if there was a need for positive response if no one could enforce the law.

Bob Archey – Stated that you could put in all of the penalties you wanted, but it doesn't make any difference if no one can enforce the law.

Shirley – Asked why we were bothering with all of this if no one has the authority to back it up. She also felt it would be worthwhile to have some meetings to discuss this enforcement issue.

Richard Kuprewicz – Stated that if the state does not address the enforcement issue, PHMSA might in a few years.

Anne Soiza – Said that UTC would start a work group to start talking about these issues and damage prevention as well.

Richard Kuprewicz – Asked the committee what it wanted to do about the bill.

Pete Kmet – Said he didn't think the committee needed to take a position because it doesn't affect transmission lines. The bill was directed towards groups that weren't under UTC jurisdiction. He wanted to know what UTC was going to do to get a discussion started about positive response and enforcement and education.

Carl – Disagreed with Pete and said it was too bad UCAW didn't bring the bill up for discussion earlier. He said that the committee had an opportunity to educate the legislature about the enforcement and education issue as well as incident reporting. He supported sending a letter.

Bob Archey – Agreed with Carl. He said this was an opportunity to raise awareness in the legislature about the work the committee did. He suggested the letter explain the bill had language that imposed a penalty, but didn't address the lack of enforcement and education.

Shirley – Liked the draft letter sent out, but thought it was missing an opportunity to do something constructive.

Bill R – Supported sending a letter and suggested including something about stakeholders working on this issue in the future.

Don Evans – Said not to forget that some of the people who don't like the bill aren't subscribers to the one call system.

He said the UULC supported fixing the enforcement and education issue and supported marking service laterals. He said that UULC leaders supported positive response, but that some of its members did not.

The committee moved to write an advisory letter to the legislature about the bill and include something about the education and enforcement issue.

This was seconded and approved by a vote of 5 to 1. Pete Kmet was the dissenting vote.

Adjourn

The meeting adjourned at 10:31 a.m.